

REMARKS

Applicants appreciate the Examiner's attention to the above referenced application. Reconsideration of the application is respectfully requested. Claims 1, 12, 25, 27-31 were rejected. Claims 1, 12, 25, 27, 28, 30 have been amended. Claims 1, 12-17, 25, 27-31 are now pending, of which claims 1, 12, 25 are independent.

Claim 1 Withdrawal

Claim 1 was withdrawn for being drawn to a non-elected species. Claim 1 has been amended to overcome the withdrawal.

§ 112 Rejection of the Claims

Claim 25, 27-31 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 25 has been amended to overcome this rejection, thus reconsideration and withdrawal of the 35 USC § 112, second paragraph rejection of claim 25, 27, 31 is respectfully requested.

§103 Rejection of the Claims

Claims 12–16, 25, 27-30 were rejected under 35 USC § 103(a) as being unpatentable over ____ Ivanov in view of Ogawa ('371) and further in view of Ogawa ('474) and further in view of Ogawa ('523) and Ogawa (20010031364) and further in view of Fleckenstein. Claims 17 and 31 have been rejected under cited prior art and further in view of Cottle. Applicants respectfully traverse this rejection, which should be withdrawn for at least the reasons set forth herein.

The Office contends it would have been obvious to subject thiol group containing compounds attached to pores as in Fleckenstein to known oxidative crosslinking to form disulfide bonds between adjacent oxidized thiol groups, to which the Applicants do not concede.

Fleckstein discloses impregnating prostheses with biological gelatin and crosslinking the same with thiol group containing compounds with disulfide bond formation.

One skilled in the art would not be motivated to combine a biological, non-silane, thiol reference with the other references cited in the Office Action. There is no suggestion in the prior art references cited to suggest the desirability of utilizing a gelatinous, non silane containing material as a coupling reagent. Additionally, the Fleckstein reference teaches away from the other prior art references cited by the Office, since Ivanov, for example, discloses the use of any silane material, and Fleckenstein discloses the use of a gelatinous material. It is improper to combine references where the references teach away from their combination (MPEP 2145§ X.D(2)). Additionally, the references cited do not disclose or even suggest forming a disulfide containing bridge across an opening of a pore in a porous dielectric layer by crosslinking thiol groups.

Because Ivanov/Ojawa nor Fleckstein, nor Cottle, either alone or in combination, suggest or motivate, nor teach all of the limitations of claim 12 and 25 (from which claims 13-17 and 27-31 depend), these claims are not rendered obvious by Ivanov/Ojawa/Fleckstein/Cottle. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 12-17, 25, 27-31 is respectfully requested.

CONCLUSION

Applicants respectfully request reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at 480 715 5488. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,
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